In the High Court of Uttaranchal, at Nainital.

W.P. No. 1262 (M/B) of 2004

(1) Smt. Meena W/o Late Sh. Gangesh Kumar
@ Bhullan, R/o Mokshadham Ashram
Doodhadhari Chauk Dist. Haridwar

(2) Chhote Lal R/o Mokshadham Ashram
Doodhadhari Chauk Dist. Haridwar

(3) Chandrakali, W/o Chhote Lal
Mokshadham Ashram Doodhadhari
District Haridwar. ……. Petitioners.

VS

(1) Uttaranchal Power Corporation Ltd.

(2) Sub Divisional Officer, Electricity
Distribution Sub Division II, Rishikesh
District Dehradun ……. Respondents

Sri A.K. Joshi learned counsel for the petitioners.
Sri. B.D. Upadhaya learned counsel for the respondents.

Dated: 24-12-2004

Coram: Hon'ble Irshad Hussain, J.
Hon'ble B.S. Verma, J.

P.C.:

Heard Sh. A.K. Joshi learned counsel for the petitioners and Sh. B.D. Upadhaya learned counsel for the respondents.

2- The claim of the petitioners has been filed on the basis of tortuous liability. Even if it is admitted that due to the negligence of the respondent, the death has been caused, even then there will be disputed question of income of the deceased to determine the actual compensation to be awarded to the claimant/petitioners. This being the factual aspect of the matter, the petitioners are relegated to alternative remedy as available under the law.

3- With this direction, the writ petition is dismissed.

(B.S. Verma, J.) **(Irshad Hussain, J.)**

ISB